

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

TINA RAMIREZ,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 1:20-cv-01276-SAB

ORDER RE STIPULATION FOR NUN PRO
TUNC EXTENSION OF TIME TO FILE
OPPOSITION TO OPENING BRIEF AND TO
MODIFY SCHEDULING ORDER AS TO
REMAINING DEADLINES

(ECF Nos. 9, 25)

Plaintiff Tina Ramirez filed this action seeking review of the Commissioner's denial of Social Security benefits on September 8, 2020. (ECF No. 1.) On October 22, 2020, the Court issued a scheduling order. (ECF No. 9.) On November 10, 2020, the Court issued an order staying the action pursuant to General Order 615. (ECF No. 13.) On May 4, 2021, the administrative transcript was lodged with the Court and the Court lifted the stay on the action. (ECF Nos. 16, 17.) The parties were directed to proceed according to the scheduling guidelines set forth in the October 22, 2020 scheduling order. (ECF No. 17 at 2.) Plaintiff filed her opening brief on September 8, 2021. (ECF No. 24.) Accordingly, Defendant's confidential letter brief was due on October 8, 2021. (See ECF No. 9 ¶ 7.)

On October 21, 2021, the parties filed a stipulated post hoc extension request for Defendant to have until November 8, 2021, to file the opposition to Plaintiff's opening brief.

(ECF No. 25.) Counsel for Defendant acknowledges the opposition brief is overdue and submits that, due to her heavy caseload combined with absorbing the additional work of an attorney who recently left the agency, her deadline was mis-calendared. For the same reason, Defendant seeks the extension of time. Counsel apologizes to the Court for the inconvenience caused by the delay.

The parties are reminded that requests to modify the briefing schedule that are made on the eve of a deadline or thereafter will be looked upon with disfavor and may be denied absent a showing of good cause for the delay in seeking an extension. If such a request is made after a deadline, the party seeking the nunc pro tunc extension must show additional good cause as to why the matter was filed late.

Nevertheless, based upon a review of the parties' stipulation for an extension of time, the Court finds good cause to grant the nunc pro tunc extension. The request was not made in bad faith and the stipulated relief requested by the parties is warranted. However, the parties are reminded that any failures to comply with the scheduling order may result in sanctions pursuant to Local Rule 110.

Accordingly, IT IS HEREBY ORDERED that:

1. The time for Defendant's opposition brief to be filed is extended nunc pro tunc to November 8, 2021; and
2. All remaining deadlines as set forth in the scheduling order (ECF No. 9) are amended accordingly.

IT IS SO ORDERED.

Dated: October 25, 2021


UNITED STATES MAGISTRATE JUDGE